IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

–

WRIT PETITION NO : 7082 of 1995

Between:

J.Sreenivasulu S/o.Vittal Rao
R/o.H.No.3/66 Kodumuru,
Kurnool Dist.

..... PETITIONER

AND

1 The Depot Manager, APSRTC
Yemmiganur, Kurnool dist.
2 The Chairman, Industrial Tribunal-cum-Labour Court
Anantapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, particularly a Writ in the nature of Writ of Certiorari calling for the records relating to and connected with award passed in ID No.111/90 on the file of the 2nd respondent dt.5/8/1992 and quash the same with consequential direction directing the respondents to reinstate the petitioner into service with all consequential benefits.

Counsel for the Petitioner:MR.K.RATHANGA PANI REDDY

Counsel for the Respondent No.2: GP FOR LABOUR

The Court made the following :

O R D E R:

The award of the Industrial Tribunal-cum-Labour Court, Anantapur, in I.D.No.111 of 1990, dated 05-08-1992, is assailed in this Writ Petition.

2. The workman concerned is the petitioner before this Court. He was working as a Conductor in A.P.S.R.T.C. Yemmigannur Depot. While so, his services were terminated by the first respondent by proceedings dated 23-8-1988 for his unauthorized absence of 157 days during the period from January 1988 to August 1988.

3. It is the case of the petitioner that the departmental enquiry against him was not properly conducted and he was also not given any opportunity to defend his case. It is also his case that he witnessed a murder occurred in the bus while discharging his duties as a conductor and then he developed mental shock resulting in Traumatic pains all over his body. Therefore, the Order of removal passed by the 1st respondent is illegal and disproportionate to the gravity of misconduct.

4. The Tribunal considered this matter and found that the order of punishment is quite legal and valid and held that absence of 157 days by the petitioner was established by the 1st respondent through the record. Therefore, such a person cannot be retained in service as his service is un- remunerative to the business of the Management.

5. Even though the learned counsel for the petitioner tried to convince this Court that the charge is very vague and negligible, inasmuch as, it does not relate to misappropriation and breach of the company, I am not inclined to grant

any relief to the petitioner as he absented from his duties for a period of 157 days, which definitely causes much inconvenience to the Corporation. The services of the petitioner as a Conductor are very much essential to the Corporation and if such persons are found to be absent, it will definitely dislocate the functioning of the Authority. Thus, I do not find any ground to interfere with the impugned order.

6. Accordingly, the Writ Petition is dismissed. No costs.

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G.BIKSHAPATHY, J

Dated: 23-12-2004

Prv/Sj

To

1 The Depot Manager, APSRTC
Yemmiganur, Kurnool dist.
2 The Chairman, Industrial Tribunal-cum-Labour Court
Anantapur.(with records).

3 Two C.Cs to the Government Pleader

for Labour, High Court Building, Hyderabad. (OUT)

4 Two C.D. copies.